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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/814,907

03/26/2004

Reinhold Kautzleben

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08/20/2009

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EXAMINER

LINDSEY, MATTHEW S

ART UNIT

PAPER NUMBER

2451

MAIL DATE

DELIVERY MODE

08/20/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

ATTACHMENT TO ADVISORY ACTION

1. Claims 1-33 have been finally rejected. For the reasons stated below, the rejection is maintained.

Response to Arguments

2. Applicant's arguments filed 28 July have been fully considered but they are not persuasive.

3. Applicant argues: "The combination of Kekic and Viswanath is improper" (see pg 14, paragraph 3). Specifically, applicant states "Applicants have not argued that features of Kekic's system must be able to be bodily incorporated into the structure of Viswanath's system" (pg 14, paragraph 3, lines 2-3).

Examiner respectfully disagrees, applicants have argued that the features (specifically SNMP) of Kekic's system must be able to be bodily incorporated into the structure of Viswanath's system (specifically using MBeans). See for example, pg 14, paragraph 4, where applicant argues: "Modifying Viswanath's system to make use of Kekic's monitoring mechanism would require creating a system that utilizes SNMP, and thus would no longer be JMA compliant as stated in Applicants' claims" (pg 14, paragraph 4, lines 6-9)

Therefore, in response to applicant's argument that "the combination of Kekic and Viswanath is improper", the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

4. Applicants arguments, see pg 15, first full paragraph – pg 16, concern amendments to the independent claims that raise new issues that require further search and/or consideration.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MATTHEW S. LINDSEY whose telephone number is (571)270-3811. The examiner can normally be reached on Mon-Thurs 7-5, Fridays 7-12.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2451

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MSL
8/10/2009

/Hassan Phillips/

Primary Examiner, Art Unit 2451